

SWRCB - RFQ No. 79150-129

**Environmental Impact Report
Central Valley Regional Water Quality Control Board
Fresno, California**

Seeking professional environmental services firms for the preparation of an environmental document on the proposed adoption of water quality regulations for the Central Valley area of California.

Interested firms may obtain a Request for Qualifications (RFQ) package through the contact person listed below, or access the California State Contracts Register internet website <http://www.cscr.dgs.ca.gov/cscr> to download the RFQ package, which is the preferred method. For e-mail requests, please include RFQ number, firm's name, contact person's name, telephone number and fax number, firm's Federal Employer Identification Number (FEIN), and mailing address. Request processing will be delayed if all information is not provided.

Submittal Deadline:	July 9, 2004 2 P.M.
Duration:	48 Months
City and County:	Fresno County, California
Department:	State Water Resources Control Board
E-Mail:	OsmolovskyP@rb5f.swrcb.ca.gov
Contact:	Pete Osmolovsky
Telephone:	(559) 445-6086
Fax:	(559) 445-5910

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The State Water Resources Control Board (SWRCB), Central Valley Region (Regional Board), is issuing a Request for Qualifications (RFQ) from Professional Environmental Services firms for the project listed below:

PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE REGULATION OF DISCHARGES TO WATERS OF THE STATE FROM IRRIGATED LANDS WITHIN THE CENTRAL VALLEY REGION

Scope of Services

The Contractor shall prepare an Environmental Impact Report to analyze the potential significant adverse environmental effects, including a cumulative-effects analysis of the project, which is the Regional Board's regulation of discharges of waste from irrigated lands to waters of the State in accordance with the Regional Board's regulatory authority under the Porter-Cologne Water Quality Control Act (California Water Code Division 7).

The current Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Resolution No. R5-2003-0105), adopted 11 July 2003, expires 31 December 2005. In adopting Resolution No. R5-2003-0105, the Regional Board committed to preparing a 10-year implementation program to regulate discharges of waste from irrigated lands to assure compliance with water quality standards, and to undertake an EIR process during the next two years to analyze the potential significant adverse environmental effects of that project.

The environmental review process for the proposed regulations must be conducted in a manner that meets all state and federal (if applicable) requirements, including but not limited to the California Environmental Quality Act, Clean Water Act, and Porter-Cologne Water Quality Control Act. There may also be a need to prepare subsequent environmental documents that may include, but would not be limited to, modifications to the initial environmental document such as master, supplemental, revised, re-circulated documents or addenda due to changes or revisions in the scope. The Contractor will also provide related support documentation for the environmental review process; assist directly or indirectly in the preparation of special studies needed to support the environmental document and/or project description; assist in developing feasible alternatives; and assist in preparation and implementation of the mitigation monitoring plan.

The Contractor may provide other professional environmental services normally and logically associated with, but not limited to, development of the proposed regulations, assisting in activities related to the review and approval of the proposed regulations by the Office of Administrative Law; assistance in organizing and facilitating public meetings; securing translators to assure communication with diverse ethnic and disadvantaged community members; and preparation of project-related newsletters, bulletins, and a website(s).

A Contractor will be selected on the basis of written responses to this Request for Qualifications and an oral interview.

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Background

The Central Valley Region of California has more than seven million acres of cropland under irrigation and several thousand individuals and agencies involved in generating wastewater that falls into the category of "discharges from irrigated lands". Discharges from irrigated lands, as defined in Resolution No. R5-2003-0105, includes surface discharges (also known as tailwater), operational spills, subsurface drainage (limited to that generated by installing drainage systems to lower the water table below irrigated lands), and storm water runoff flowing from irrigated lands {but does not include discharges subject to the NPDES permit program under the Clean Water Act}. Irrigated lands, as defined in Regional Board Resolution No. R5-2003-0105, includes irrigated cropland, commercial nurseries, nursery stock production and managed wetlands.

Irrigated agriculture is the dominant land use on the valley floor and common irrigation activities dominate the flow and quality of valley floor water bodies. A survey by Regional Board staff identified more than 20,000 miles of waterways dominated by flows related to activities on irrigated lands. Supply canals and drains make up a complex maze of constructed water bodies overlaying a natural drainage network. In many locations, the natural drainage courses have been integrated into the man-made system. The extensive use of water for irrigation in the Central Valley Region demonstrates that return flows have a significant potential to adversely impact water quality if pollutants are not managed at the farm level. Although there are no estimates of the percentage of irrigation water that ends up as return flows for the Central Valley Region, the volume is likely to be large. For the United States as a whole, the United States Geological Survey estimates that 61 percent of irrigation water goes towards consumptive use, 19 percent is lost during conveyance, and 20 percent becomes return flow.

Section 13260 of the California Water Code requires persons discharging waste or proposing to discharge waste to submit a Report of Waste Discharge (ROWD), following which the Regional Board may either prescribe waste discharge requirements (WDRs) or issue a waiver. If the Regional Board finds that the discharge is not against the public interest, the Regional Board may waive WDRs for a specific discharge or a specific type of discharge, pursuant to Section 13269 of the California Water Code. Waivers for specific types of discharges may not exceed five years in duration, but may be renewed by the Regional Board. The waivers are conditional and may be terminated at any time by the Regional Board. The Regional Board must require compliance with the conditions placed on a waiver.

In 1982, the Regional Board adopted Resolution No. 82-036, waiving WDRs for 23 categories of discharges. Irrigated lands generate discharges in two of these categories – irrigation return waters and stormwater. Resolution 82-036 included conditions necessary to receive a waiver of WDRs. Discharges of irrigation return waters must be "operating to minimize sediment to meet Basin Plan turbidity objectives and to prevent concentrations of materials toxic to fish or wildlife." WDRs were waived for stormwater "Where no water quality problems are contemplated and no federal NPDES permit is required."

As a result of recent changes to §13269 of the California Water Code, all waivers in place on 1 January 2000 were required to expire at the end of the year 2002 if the Regional Board took no action to renew them. Further, any new waivers adopted by the Regional Board after 1 January 2003, must be reviewed at least every five years and the Regional Board must require

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compliance with any conditions placed on the waiver. If a new waiver is adopted the Regional Board must also indicate whether the discharge would be subject to general or individual WDRs if the waiver conditions are not met. If no action is taken, the default approach for regulating discharges that pose a threat to water quality would be issuance of individual WDRs.

On 5 December 2002, the Regional Board adopted a Resolution No. R5-2002-0201 and the associated conditional waiver of WDRs for discharges from irrigated lands. The conditional waiver was slated to terminate in two years. Public comment on the December conditional waiver was significant and came from a broad spectrum of interests. Additionally, the Regional Board questioned certain aspects of the newly adopted waiver. At the December meeting, the Regional Board directed staff to consider comments and questions, and synthesize this input into key issues, to analyze these issues, and provide options and recommendations that could address them. Modifications to the waiver were proposed in April 2003, and based upon further public comment and Regional Board direction, further modifications were proposed in June 2003. On 10 July 2003, the Regional Board rescinded the December 2002 Conditional Waiver

On 11 July 2003, the Regional Board adopted Resolution No. R5-2003-0105, the Conditional Waivers of Waste Discharge Requirements for Discharges from Irrigated Lands. This Resolution was intended to remedy perceived procedural concerns and to clarify conditions contained in the December 2002 waiver. Under Resolution No. R5-2003-0105, one Conditional Waiver is for Coalition Groups or other entities, which form on behalf of individual Dischargers to comply with the California Water Code (CWC) and the Regional Board Plans and Policies. The second Conditional Waiver is for individual Dischargers.

In adopting the resolutions, the Regional Board committed to preparing a 10-year implementation program to regulate discharges of waste from irrigated lands to assure compliance with water quality standards. In support of the 10-year plan, the Regional Board directed staff to initiate the preparation of an EIR for the regulation of discharges of waste to waters of the State from irrigated lands.

Project Description

The Regional Board will act as the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) for the preparation of the EIR. The EIR will address the probable environmental impacts of the regulation of discharges to waters of the State from irrigated lands, including commercial nurseries and managed wetlands. "Discharges from irrigated lands" include surface discharges (tailwater), operational spills, subsurface drainage limited to that generated by installing drainage systems to lower the water table below irrigated lands, and storm water runoff flowing from irrigated lands (but does not include discharges subject to the National Pollutant Discharge Elimination System (NPDES)).

The Regional Board currently regulates the discharge of waste from irrigated lands according to the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands. The EIR will not include the regulation of agriculture in general, only the regulation of discharges of waste to waters of the State.

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The Regional Board will utilize the CEQA document in the development, consideration, and proposed approval of new regulations to address discharge from irrigated lands. The lead agency must coordinate the CEQA process with the regulatory proposal and adoption process required by the Office of Administrative Law.

Minimum Submittal Requirements

Firms who are interested in providing professional environmental services for this contracting opportunity shall submit the following information.

Submittals will be scored only upon receipt of the following minimum criteria, which are **mandatory**:

Submit two (2) sets of:

- Letter of Interest that includes the **Legal Name** and **Federal Identification Number** of the firm.
- Secretary of State Certification identifying California legal operating name. If operating under a fictitious business name, provide all supporting documentation (i.e., fictitious business name statement certified by the appropriate county clerk).
- All licensed professionals - provide copy of license for all state-licensed professionals that may be part of consultant team.
- Federal Form 254 and 255 for the firm and any proposed subcontractors.
- Disabled Veteran Business Enterprises (DVBE) compliance forms.
- A written statement of the firm's qualifications that is responsive to the selection criteria described below.

IMPORTANT: Please see enclosure for "Disabled Veteran Business Enterprise Participation Requirements". Compliance will require immediate action on the part of the Contractor.

Documents shall be received no later than: **July 9, 2004, 2 p.m.**

Documents shall be submitted to:

State Water Resources Control Board
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, CA 93706
Attention: Pete Osmolovsky

Facsimile (FAX) submittals will not be considered.

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Selection Criteria

State and Regional Board staff will evaluate organizations and individuals that have the following knowledge, training, experience, and capacity. Firms who are interested in providing professional services for this contracting opportunity shall submit a written statement of the firm's qualifications that are responsive to the selection criteria as described below.

1. FIRM'S PROFESSIONAL EXPERIENCE IN PERFORMING SERVICES OF A SIMILAR NATURE:

- Description of professional experience and background of the firm in relation to programmatic environmental assessments and/or regional surface and ground water.
- List of proposed principals to be assigned to and involved with the project. The list should identify the principal's professional experience and availability during the term of the project.
- Description of professional experience and background of any sub-consultants in providing similar environmental review projects related to agriculture.

2. CAPABILITIES, EXPERIENCE AND EDUCATION OF KEY PERSONNEL ASSIGNED TO THE PROJECT:

- Description of professional experience, education, and training of key project staff.
- List of proposed staff identified as a part of this proposal with their role and office location, and their availability for the project. Please include dates of their most recent technical degrees, and knowledge of relevant federal and state laws and regulations and the California Environmental Quality Act (CEQA).
- Description of any other background, training, skill, or experience involving environmental water quality regulation and assessment.

3. QUALITY AND RELEVANCE OF RECENTLY COMPLETED OR ONGOING WORK:

- Two or more examples of work products that illustrate the nature and scope of recently completed work projects related to environmental assessments and/or surface and/or ground water quality assessments of agricultural related activities.
- Provide two or more examples of recently completed or ongoing relevant projects pertaining to a programmatic level environmental and regulatory review.

4. KNOWLEDGE OF APPLICABLE REGULATIONS ASSOCIATED WITH THE SERVICES REQUIRED:

- Demonstrated knowledge of all aspects of the Porter-Cologne Water Quality Control Act, CEQA, and related compliance requirements.
- Demonstrated knowledge of the roles and responsibilities of other environmental and resources agencies (Federal, State and local) as they relate to agricultural discharges to surface and ground water in the Central Valley.
- Demonstrated expertise and experience in CEQA environmental review and evaluation.
- Experience and/or understanding of the Office of Administrative Law regulatory adoption process.

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5. SPECIALIZED EXPERIENCE OF THE FIRM IN THE SERVICES TO BE PERFORMED:

- Demonstrated competence and specialized experience of firm.
- Demonstrated experience in scheduling, holding and conducting public presentations related to meeting the requirements of CEQA, including collecting and responding to oral and written comments.

6. RELIABILITY:

- Demonstrated reliability of firm and continuity of proposed firm's staff and sub-consultants with firm.
- Description of firm's workload and demonstrated ability to meet contract schedules.

The firms or team shall be comprised of staff necessary to effectively prepare EIRs in accordance with the CEQA. Firms shall respond in writing indicating how they believe their experience fulfills the requirements of the selection criteria.

Desirable Qualifications and Expertise

Each Statement of Qualifications (SOQ) should clearly delineate and address the contractor's experience in the preparation of an environmental impact report; a demonstrated knowledge of all aspects of the Porter-Cologne Water Quality Control Act; CEQA, and related compliance requirements; a demonstrated knowledge of the roles and responsibilities of other environmental and resources agencies (Federal, State and local) as they relate to agricultural discharges to surface and ground water in the Central Valley; and a demonstrated expertise and experience in CEQA environmental review and evaluation.

The specialized expertise of the environmental services team that may be factors in the selection of a contractor for this project are listed below. However, this is not meant to serve as a complete list of all the environmental issues and technical factors that may be of significance in the preparation of the environmental impact report. This list is a summary of the issues known at this time, and it is only provided as means of assisting each potential contractor in the formation of their respective environmental services team. This list is as follows:

• **California Environmental Quality Act**

Knowledge and experience in the successful preparation of environmental impact reports is an essential selection factor of this environmental services consultant. A thorough understanding of the California Environmental Quality Act and National Environmental Policy Act will be of critical importance in the selection of the contractor.

• **Water Quality Expertise**

The team shall demonstrate a strong understanding and technical expertise with respect to work projects related to surface and/or groundwater assessments of agricultural related activities. The team shall demonstrate knowledge and expertise in the assessment of irrigation return water; suspended sediment transport; dissolved runoff constituents (pesticides, herbicides; etc.); calculating runoff values; and assessing the effects of return water on receiving wetlands, waterways, and urban water treatment facilities.

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- **Adoption of Regulations**

The team shall demonstrate an understanding of the process for the proposing and approval of environmental regulation in California. The team should demonstrate an understanding of adapting the CEQA process to the Office of Administrative Law's process for consideration and approval of regulations.

- **Public Outreach and Facilitation**

The team shall have expertise and demonstrate an understanding of conducting an area-wide public participation program as an element of the CEQA and regulatory adoption process. The team should have experience in establishment of a public involvement process, in conducting or assisting in conducting various public meetings, in preparation of supporting materials (newsletters, public notices, website, etc.), and providing direct support to the lead agency.

- **Natural Resource Expertise**

The team shall demonstrate that it can provide a wide range of qualified natural resource expertise for the Central Valley of California. This includes, but is not limited to, knowledge of soils, geology, climate, aquatic and terrestrial resources, air quality, hydrological systems, and wetlands.

- **Risk Assessment**

The team shall demonstrate knowledge and experience in the preparation of public and environmental health risk assessment studies, analysis, and peer review. This experience and expertise should be related to water quality, suspended sediment, or agricultural/urban run-off.

- **Knowledge of the Permitting and Regulatory Process**

The team shall have a demonstrated knowledge of all aspects of the Porter-Cologne Water Quality Control Act, and a demonstrated knowledge of the roles and responsibilities of other environmental and resources agencies (Federal, State and local) as they relate to agricultural discharges to surface and ground water in the Central Valley.

- **Knowledge of the Central Valley Region**

The team shall demonstrate knowledge of and expertise in the Central Valley Region, its environment, and the relevant concerns of the communities and regulatory agencies.

- **Availability, Schedule, and Project Management**

The availability of the contractor team will be an important selection factor. The state recommends that the SOQ clearly delineate the person(s) that will be responsible for directing the environmental services team, their relevant experience in such a role, and the amount of time that the person(s) would be available for work on the project.

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Respondents are advised and encouraged to clearly state in the SOQ the specific individuals that will be principal team members for this project, their individual experience and expertise, and their availability. Additionally, provide a list of two or three client references with contact information.

Contract Administrative Process

Firms will be selected on the basis of written responses to this Request for Qualifications and an oral interview.

Submittals will be evaluated and scored based upon the stated Selection Criteria for those firms who have complied with the minimum qualifications requirements. The information provided in the section labeled "Desirable Qualifications and Expertise" will also be used to evaluate and score each SOQ.

At least three firms with the highest scores will be selected for the "short list". These contractors will be invited for an interview and asked to make an oral presentation on their firm and its qualifications and experience.

Upon completion of all interviews, the firms will be ranked in order of preference, e.g., 1, 2, 3, etc. The number one firm will be asked to submit a fee proposal. The SWRCB will attempt to negotiate a fee for services. In the event that a satisfactory agreement cannot be negotiated, the SWRCB will terminate negotiations with the firm and begin negotiations with the next ranked firm and so on. After successful negotiations, an Agreement will be processed and executed thereafter. The State reserves the right to terminate the selection proceedings at any time.

Not less than ten percent (10%) of the Agreement amount shall be withheld pending final completion of the contract. (PCC § 10346)

All questions regarding the proposed professional environmental services necessary for the project should be faxed (559)-445-5910, or emailed to Pete Osmolovsky (OsmolovskyP@rb5f.swrcb.ca.gov) at the Central Valley Regional Water Quality Control Board. Questions related to this RFQ, the contents of the SOQ, or related administrative matters should be faxed to Linda Bracamonte at (916) 464-4654 or Fax (916) 464-4645.

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**California Disabled Veteran Business Enterprise Program Requirements
(REV. 4-1-03)**

AUTHORITY. The Disabled Veteran Business Enterprise (DVBE) Participation Goal Program for state contracts is established in Public Contract Code (PCC), Section 10115 et seq., Military and Veterans Code, Section 999 et seq. and California Code of Regulations, Title 2 (2CCR), Section 1896.60 et seq.

The minimum DVBE participation percentage is 3% for this solicitation unless another percentage is specified in the solicitation.

INTRODUCTION. The bidder must document at least one of the options (A, B or C) in this document to comply with this solicitation's DVBE program requirements. Bids or proposals (hereafter called "bids") that fail to fully document one of the DVBE program requirements options shall be considered non-responsive and ineligible for award.

All information submitted by the intended awardee to comply with this solicitation's DVBE requirements will be verified by the State. If evidence of an alleged violation is found during the verification process, the State shall initiate an investigation with this information in accordance with the requirements of the Public Contract Code, Section 10115, et seq. and the Military and Veterans Code, Section 999 et seq. and follow the investigatory procedures required by the California Code of Regulations, Section 1896.80.

Only State of California, Office of Small Business and DVBE Certification certified DVBEs who perform a commercially useful function relevant to this solicitation may be used to satisfy the DVBE program requirements. The criteria for performing a commercially useful function are contained on page 13, Resources & Information, and California Code of Regulations, Title 2, Section 1896.61(l). Verify each DVBE subcontractor's/supplier's certification with the Office of Small Business and DVBE Certification Section to ensure DVBE eligibility.

To meet the DVBE program requirements, bidders must complete and fully document at least one of the following compliance options:

Option A – Commitment to full DVBE participation – For a bidder who is a DVBE or who is able to meet the commitment to use identified DVBE(s) to fulfill the full DVBE participation goal.

Option B – Good Faith Effort – For a bidder documenting its completed effort, made prior to the bid due date, to obtain DVBE participation that may result in partial or no DVBE participation.

Option C – Business Utilization Plan – For a bidder using an annual plan (subject to approval) to satisfy DVBE participation requirements. Applies only to solicitations for goods and information technology.

PLEASE READ ALL INSTRUCTIONS CAREFULLY. These instructions contain information about the DVBE program requirements, bidder responsibilities, and requirements for performing and documenting each of the three available options as detailed in the following pages. Bidders are responsible for thorough review and compliance with these instructions. Document your option selection on the attached STD Form 840, Documentation of Disabled Veteran Business Enterprise Program Requirements.

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OPTION A – COMMITMENT -- Commit to meet or exceed the DVBE participation requirement in this solicitation by either Method A1 or A2. Bidders must document DVBE participation commitment by completing and submitting the attached STD 840. Failure to complete and submit STD 840 (Side 1) as instructed shall render your bid non-responsive.

The bidder must provide, prior to contract award, a written agreement signed by the bidder and each proposed DVBE subcontractor. The written agreement will include the DVBE scope of work, work to be performed by the DVBE, term of intended subcontract with the DVBE, anticipated dates the DVBE will perform required work, rate and conditions of payment, total amount of contract to be paid to the DVBE, and the percentage of the entire contract that will be awarded to the DVBE, with each DVBE subcontractor. If this information is contained in the bidder's DVBE written agreement of intent, the agreement may be attached to the STD 840. If further verification is necessary, the state will obtain additional information to verify the above requirements.

Method A1. Certified DVBE bidder:

- a. Commit to performing at least 3% of the contract bid amount (unless otherwise specified) with your firm or in combination with other DVBE(s).
- b. Document DVBE participation on STD 840 (Side 1) and attach a copy of all applicable certifications.
- c. A DVBE bidder working in combination with other DVBEs shall be requested to submit proof of its commitment by submitting a written agreement with the DVBE(s) identified in its bid's STD 840. When requested, the written agreement must be submitted to the address or facsimile number specified and within the timeframe identified in the notification. Failure to submit the requested written agreement as specified may be grounds for bid rejection.

Method A2. Non-DVBE bidder:

- a. Commit to using certified DVBE(s) for at least 3% (unless otherwise specified) of the bid amount.
- b. When a bidder commits to less than the required 3% DVBE participation or its commitment may fall below 3% if specific line items/groups are not selected for award, then Option B, Good Faith Effort must be completed in addition to Option A, Commitment.
- c. Document DVBE participation on STD 840 (Side 1) and attach a copy of the DVBE's certification.
- d. Prior to contract award, a bidder is to submit proof of their commitment by submitting a written agreement with the DVBE(s) identified in its bid's STD 840. The awarding department contracting official named in this solicitation will contact each listed DVBE, by mail, fax or telephone, for verification of the bidder's submitted DVBE information. The written agreement must be submitted to the address or facsimile number specified and within the timeframe identified in the notification. Failure to submit the written agreement as specified may be grounds for bid rejection.

OPTION B – GOOD FAITH EFFORT (GFE) performance and documentation requirements must be completely satisfied prior to bid submission if you are unable to obtain and commit to the full DVBE participation percentage goal (Option A) and do not exercise Option C. Perform and document the following Steps 1 through 5 on both sides of the attached STD 840 form. Failure to perform and document GFE Steps 1 through 5 as instructed, which includes properly completing and submitting both sides of STD 840, shall result in your bid being deemed non-responsive. Step 3, Advertisement, is required unless specifically waived for this solicitation due to time limits imposed by the awarding department.

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Step 1 Awarding Department - Contact the department's contracting official named in this solicitation to identify interested DVBEs. You must fully document this contact and describe the results on STD 840 (Side 2).

Step 2 Other State and Federal Agencies, and Local Organizations

STATE Contact the Department of General Services, Procurement Division's (DGS-PD) Office of Small Business and DVBE Certification (OSDC) to obtain a list of certified DVBEs by telephone at (916) 322-5060 for the 24-hour automated telephone system or (916) 375-4940 for the receptionist during normal business hours. This information can also be obtained by searching the online database at <http://www.pd.dgs.ca.gov/smbus>. Begin by selecting Certified Firm Inquiry Services, then search by using either the Keyword Search or the Standard Query options. You must fully document this contact and describe the results on STD 840 (Side 2).

FEDERAL Search the U.S. Small Business Administration's (SBA) online database (Pro-Net) at <http://www.pro-net.sba.gov> to identify potential DVBEs. Select these minimum options in the following sequence: select Search Database; select CA under "State"; select Service Disabled Veteran under "Other Ownership Data"; and "Search Using These Criteria" at the page bottom. The database takes a few moments to query, and then your list will appear on your screen. You may select other criteria to focus your search. You must fully document this contact and describe the results on STD 840 (Side 2).

LOCAL Contact at least one local DVBE organization to identify DVBEs. For a list of local DVBE organizations, please refer to the DVBE Resource Packet that may be accessed online (<http://www.pd.dgs.ca.gov/smbus> - select "DVBE Resource Packet") or obtain a hardcopy by requesting it from DGS-PD Office of Small Business and DVBE Outreach and Education (see the Resources & Information page). You must fully document your contact with local DVBE organizations and describe the results on STD 840 (Side 2).

Step 3 Advertisements are mandatory unless waived by the awarding department.

CONTENT REQUIREMENTS: Include all of the following in your advertisement(s): (1) company name; (2) contact name; (3) address; (4) telephone and facsimile (if applicable) numbers; (5) e-mail address (if applicable); (6) the state's solicitation number(s); (7) goods and/or services for which the state is soliciting; (8) the location of the work to be performed; and (9) the State's bid(s) due date and/or your due date for receiving DVBE responses.

HOW MANY & WHERE TO PUBLISH: Bidders must publish two (2) ads, one (1) each in a trade paper and a DVBE focus paper unless the paper is dual purpose (fulfilling both trade and focus requirements as defined in California Code of Regulations, Title 2, Section 1896.61(k), in which case one (1) ad is acceptable. Please see the DVBE Resource Packet for a list of acceptable publications.

WHEN: Ads must be published after the solicitation's release date and at least 7 days prior to the bid due date, unless a different time period is expressly established in this solicitation.

DOCUMENT & SUBMIT: On STD 840 (Side 2), document the publication name(s) in which you published advertisement(s), the contact name and phone number, and date of publication. Include a copy(ies) of the advertisement(s) with your bid.

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Step 4 Invitations to Participate

WHO: Invite (solicit) DVBEs who can provide relevant goods and/or services to this solicitation to subcontract with you. Conducting Steps 1 through 3 produces a list of DVBEs from which you may choose potential DVBEs subcontractors/suppliers to contact. Bidders are advised to contact as many DVBEs (who provide relevant goods and/or services in the applicable location(s)) as possible. Non-California-certified DVBEs are not eligible -- please refer those DVBEs to the OSDC to learn about certification (see the Resources & Information page for contact information).

FOR WHAT: Solicit DVBEs for goods and/or services relevant to the state's solicitation. If you are unable to identify specific portion(s) of the proposed contract to subcontract, the state encourages bidders to avoid making a predetermination that no DVBEs are able to perform without first contacting and soliciting participation from them. This allows DVBEs to respond whether they can or cannot provide any goods or services related to the solicitation, and provides a bidder with responses for consideration.

HOW TO INVITE & CONTENT REQUIREMENTS: Written invitations are required. At a minimum, invitations must contain all of the following: (1) company name; (2) contact name; (3) address; (4) phone and facsimile (if applicable) numbers; (5) return e-mail address (if applicable); (6) the state's solicitation number; (7) goods and/or services for which the state is soliciting; (8) location of work; and (9) the State's bid(s) due date and/or your due date for receiving DVBE responses.

WHEN: Provide DVBE's with a reasonable time period to receive and respond to your invitation, and to be considered by you for participation as described in Step 5, prior to your bid submission.

DOCUMENT & SUBMIT: Bidders must document the completed contacts on STD 840 (Side 1), Section A. Attach additional copies of STD 840A as necessary to list your DVBE contacts. You are required to attach a copy of: (1) each invitation or offer sent by letter, fax or e-mail; and (2) confirmation of transmittal or delivery. Your bid shall be considered non-responsive if it fails to include copies of the written invitations and delivery confirmations.

Step 5 Consider all responding DVBEs for contract participation. Consideration must be based on business needs for the contract and the same evaluation criteria must be applied to each potential DVBE subcontractor/supplier offering the same goods and services. You must document on STD 840 (Side 1), Section A any firm(s) selected for participation; or if not selected, the reason for non-selection. Attach additional copies of STD 840A as necessary to list all of your DVBE contacts.

OPTION C – THE DVBE BUSINESS UTILIZATION PLAN (BUP) option permits bidders to submit an approved DVBE BUP to satisfy DVBE participation solicitation requirements up to 3%. **DVBE BUPs apply only to solicitations for goods and information technology (IT) goods and services.** DVBE BUPs are a company's commitment to expend a minimum of 3% of its total statewide contract dollars with DVBEs -- this percentage is based on all of its contracts in the State, not just those with the State. DVBE BUPs must be submitted to and approved by the DGS-PD prior to the bid due date. Please call the DGS-PD, Office of Small Business and DVBE Outreach and Education for assistance. Bidders choosing this option must properly complete and submit STD 840 (Side 1) and include a copy of its approval letter with the bid; failure to submit these documents shall render your bid non-responsive.

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RESOURCES AND INFORMATION

For assistance in preparing a responsive participation document, **contact the contracting official at the awarding department for this solicitation.** In accordance with Public Contract Code Section 10115.2(b)(3), bidders must advertise in trade and focus publications unless the requirement is waived. The Department of General Services, Procurement Division (DGS-PD) publishes a list of trade and focus publications to assist bidders in meeting these contract requirements. To obtain this list, please contact the DGS-PD Office of Small Business and DVBE Outreach and Education and request the "DVBE Resource Packet."

U.S. Small Business Administration (SBA)
Internet contact only – see instructions for website navigation
PRONET Database: <http://www.pro-net.sba.gov>

FOR:
Service-Disabled Veteran-owned businesses in California (Remember to verify each DVBE's California certification.)

Local Organizations (see the DVBE Resource Packet available from DGS-PD DVBE Program Section listed below)

FOR:
List of potential DVBE subcontractors

DGS-PD Office of Small Business and DVBE Certification (OSDC)

FOR:
**Directory of Certified DVBEs
Certification Applications
Certification Information
Certification Status, Concerns**

707 Third Street, Room 400, West Sacramento, CA 95605
Website: <http://www.pd.dgs.ca.gov/smbus>

24-hour automated information
& document requests: (916) 322-5060
Receptionist: (916) 375-4940
Fax: (916) 375-4950

DGS-PD Office of Small Business and DVBE Outreach and Education

FOR:
**DVBE Program Participation Requirements
DVBE Program Info. and Statewide Policy
DVBE Resource Packet
DVBE Business Utilization Plan
Small Business/DVBE Advocates**

707 Third Street, 2nd Floor, West Sacramento, CA 95605
Voice, 8 am—5 pm: (800) 559-5529
Fax: (916) 375-4597

Advertisement Format Example

This example offers a suggested format that includes required information outlined in Option B, Good Faith Effort, Step 3. You can substitute the applicable information for the bolded, italicized words.

DVBEs are invited to participate as a potential subcontractor/supplier to perform a commercially useful function specific to **DGS' IFB No. 12345** for ***fencing materials in Chowchilla.***
DVBE responses are due to me 1/1/02;
Bids due to the State 1/15/02.

Contact: **ABC Company**
Jane Doe, General Manager
123 Main Street, Sacramento, CA 95814
voice: **555/555-5555**; fax: **555/555-5556**
or e-mail: ***jane.doe@abcco.com***

Commercially Useful Function Definition

California Code of Regulations, Title 2, § 1896.61(l):
The term "DVBE contractor, subcontractor or supplier" means any person or entity that satisfies the ownership (or management) and control requirements of Section 1896.61(f); is certified in accordance with Section 1896.70; and provides services or goods that contribute to the fulfillment of the contract requirements by performing a commercially useful function. A DVBE contractor, subcontractor or supplier is considered performing a commercially useful function when it meets the following criteria: (1) The business concern is responsible for the execution of a distinct element of the work of the contract; carrying out its obligation by actually performing, managing or supervising the work involved; and performing work that is normal for its business services and functions; and (2) The business concern is not further subcontracting a greater portion of the work than would be expected by normal industry practices.

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DOCUMENTATION OF DISABLED VETERAN BUSINESS ENTERPRISE PROGRAM REQUIREMENTS

STD 840 (REV. 4-1-2003)

Designation Of Option - Check the appropriate box(es) to indicate the option(s) with which you choose to comply, complete the applicable sections and attach the required supporting documentation. You are advised to read all instructions carefully prior to completing this form. Remember that only California certified DVBEs who can provide related goods and/or services may be used to satisfy these program solicitation requirements.

- OPTION A – I commit to meeting the full DVBE contract participation requirement.**
Complete STD 840, Section A.
- OPTION B – I have performed and documented a Good Faith Effort (GFE) in an attempt to obtain DVBE participation.**
Complete STD 840, Section A (for GFE Steps 4 & 5) and STD 840 (REVERSE), Section B (for GFE Steps 1-3).
- OPTION C – I submit a copy of my firm’s “Notice of Approved DVBE Business Utilization Plan”.**

A. Full information must be provided.

For contract participation commitment, at least one DVBE must be listed. DVBEs must perform a commercially useful function. List the specific goods and/or services with the dollar and/or percentage value(s) that the DVBE(s) commit(s) to provide and the DVBE’s tier (prime contractor = 0, subcontractor to prime contractor = 1, subcontractor to Tier 1 subcontractor = 2, etc.). If both the estimated dollar amount and percentage are listed, the higher value supercedes. Attach additional pages to list all other DVBE subcontractors/suppliers (you may use STD 840A). During contract performance, all requests for substituting named DVBEs must be made in accordance with the provisions of California Code of Regulations, Title 2, Section 1896.64(c).

For Good Faith Effort (GFE), use this section to document your first completed contacts with (Step 4), and consideration of (Step 5), relevant DVBEs. Business reasons for non-selection must be documented. Attach additional pages to list all other DVBE contacts (you may use STD 840A). Copies of all written invitations and delivery confirmations must also be attached and submitted with the bid.

BOTH SECTIONS MUST BE COMPLETED FOR GOOD FAITH EFFORT	AT LEAST ONE DVBE MUST BE NAMED FOR PARTICIPATION	Date Contacted / /		DVBE Company Name (If you are the Prime and a DVBE enter your name, otherwise enter the solicited subcontractor)				
		DVBE Contact Name & Reference #		Telephone Number ()	Fax Number ()		E-mail (if available)	
		Street Address, City, State and Zip Code						
		OR	<input type="checkbox"/> Yes, I am or will subcontract with the listed DVBE to provide the following goods and/or services:					
			Specific Goods and/or Services				Estimated \$ and/or % \$ / %	Tier
		OR	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:					
		Date Contacted / /		DVBE Company Name				
		DVBE Contact Name		Telephone Number ()	Fax Number ()		E-mail (if available)	
		Street Address, City, State and Zip Code						
		OR	<input type="checkbox"/> Yes, I am or will subcontract with the listed DVBE to provide the following goods and/or services:					
			Specific Goods and/or Services				Estimated \$ and/or % \$ / %	Tier
OR	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:							

ATTACH ADDITIONAL PAGES (OR USE STD 840a) TO LIST ALL OTHER DVBE CONTACTS

Go to Side 2, Section B to continue Good Faith Effort documentation ⇨

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ADDITIONAL DISABLED VETERAN BUSINESS ENTERPRISE CONTACTS

STD 840A (EST. 4-1-2003)

B. Documentation of Good Faith Effort Steps 1, 2 and 3—Remember to carefully read all instructions prior to completing this form. Please refer to the Resources & Information page for detailed contact information and a sample advertisement format.

STEP 1. Contact the Awarding Department (the contracting official, unless another contact is specified) to identify potential DVBE subcontractors/suppliers, **and document this contact as required.**

Date / /	Contact Name	Telephone Number ()
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Describe Result

STEP 2. Contact all of the following and document your contacts as required: Other state and federal agencies and local organizations to identify potential DVBE subcontractors/suppliers.

Other State Agency – Procurement Division, Office of Small Business and DVBE Certification (Certification Office)

PHONE CONTACT OR ONLINE SEARCH	Date / /	Telephone Number (916) 322-5060 (916) 375-4940	Contact Name	<input type="checkbox"/> I contacted the Certification Office for a list of California certified DVBEs.
	Date / /	Internet Address http://www.pd.dgs.ca.gov/smbus		<input type="checkbox"/> I searched the Certification Office's online database to identify California certified DVBEs.

Describe Result

Federal Agency – U.S. Small Business Administration (SBA) online database

Date / /	Internet Address http://www.pro-net.sba.gov	<input type="checkbox"/> I searched the federal online database for California DVBEs.
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Describe Result

Local DVBE Organizations – Contact at least one local DVBE organization – refer to the DVBE Resource Packet for a list of acceptable contacts. (<http://www.pd.dgs.ca.gov/smbus>) - select "DVBE Resource Packet"

Date / /	Organization Name	Contact Name	Telephone Number and/or Internet Address () WWW.
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Describe Result

Date / /	Organization Name	Contact Name	Telephone Number and/or Internet Address () WWW.
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Describe Result

STEP 3. Publish advertisements: Two (2) advertisements: One (1) ad in an accepted trade paper; and one (1) ad in an accepted DVBE focus paper (please see the DVBE Resource Packet for a list of all accepted publications); unless the paper is dual purpose (fulfilling both trade and focus requirements), in which case one (1) ad is acceptable. **Document this step as required and remember to attach a copy of your advertisement(s).**

Focus Paper Name (list full name)	Contact Name	Telephone Number ()
--	--------------	-------------------------

Address

Date Ad Published
/ /

Trade Paper Name (list full name)	Contact Name	Telephone Number ()
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Address

Date Ad Published
/ /

I certify the ad was placed to reach both trade and focus audiences through this one publication.

Trade and Focus Paper Name (list full name)	Contact Name	Telephone Number ()
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Address

Date Ad Published
/ /

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STD 840A (EST. 4-1-2003)

This document may be used as a continuation from Section A, STD 840 (REV. 4-1-2003)

Date Contacted / /		DVBE Company Name		
DVBE Contact Name		Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code				
OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:			
	Specific Goods and/or Services		Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:			
Date Contacted / /		DVBE Company Name		
DVBE Contact Name		Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code				
OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:			
	Specific Goods and/or Services		Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:			
Date Contacted / /		DVBE Company Name		
DVBE Contact Name		Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code				
OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:			
	Specific Goods and/or Services		Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:			
Date Contacted / /		DVBE Company Name		
DVBE Contact Name		Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code				
OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:			
	Specific Goods and/or Services		Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:			

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ADDITIONAL DISABLED VETERAN BUSINESS ENTERPRISE CONTACTS

STD 840A (EST. 4-1-2003 (REVERSE))

Date Contacted / /		DVBE Company Name		
DVBE Contact Name		Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code				
OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:			
	Specific Goods and/or Services		Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:			
Date Contacted / /		DVBE Company Name		
DVBE Contact Name		Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code				
OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:			
	Specific Goods and/or Services		Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:			
Date Contacted / /		DVBE Company Name		
DVBE Contact Name		Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code				
OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:			
	Specific Goods and/or Services		Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:			
Date Contacted / /		DVBE Company Name		
DVBE Contact Name		Telephone Number ()	Fax Number ()	E-mail (if available)
Street Address, City, State and Zip Code				
OR	<input type="checkbox"/> Yes, I will subcontract with the listed DVBE to provide the following goods and/or services:			
	Specific Goods and/or Services		Estimated \$ and/or % \$ / %	Tier
	<input type="checkbox"/> No, I am unable to subcontract with the DVBE for the following business reasons:			

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DVBE Program Requirements Supplier Checklist (REV. 4-1-2003)

Please do not submit this checklist with your bid. It is provided for your use only. Checking every box of your elected compliance option does not guarantee that your bid will be evaluated compliant.

OPTION A: COMMITMENT TO DVBE CONTRACT PARTICIPATION

- STD 840 included with bid
- DVBE Written Agreement
- Designated the Commitment Option – Checked the first box
- Listed at least one California certified DVBE subcontractor
- Checked the box(es) for “Yes ...”
- Listed specific goods and/or services DVBE(s) agrees to provide
- Proposed DVBE contract performance is a “commercially useful function” relevant to the contract
- Listed the estimated dollar amount and/or percentage of contract for the DVBE’s participation
- Proposed DVBE participation meets the 3% requirement (unless a different percentage is specified)
- Attached a copy of the DVBE’s certification letter from the Department of General Services

OPTION B: GOOD FAITH EFFORT (GFE)

- STD 840 included with bid
- Designated the GFE Option – Checked the second box
- (Step 4) Listed all DVBEs contacted and invited to perform on the proposed contract
- Confirmed that listed DVBEs are California certified
- Attached copies of the invitations sent to the listed DVBEs
- Invitations included the required contact information
- Attached copies of the delivery confirmations for invitations to DVBEs (e.g. mail receipts, fax confirmations, etc.)
- (Step 5) Checked the “No” boxes and listed the business reasons for non-selection of DVBEs contacted
- (Step 1) Contacted the Awarding Department and listed contact and results
- (Step 2) Contacted Other State agency (Office of Small Business and DVBE Certification) and listed the contact and results
- (Step 2) Searched the Federal Pro-net internet database and noted the results
- (Step 2) Contacted Local DVBE Organization(s) and listed the contact and results
- (Step 3) Advertised – IF NOT WAIVED
- Listed full information for the advertisement(s) and publication(s)
- [2 ads in one trade and in one DVBE focus publication; **OR** 1 ad in one dual-purpose publication]
- Attached a copy of the advertisement(s)
- The advertisement(s) were published at least 7 days prior to the bid due date
- The advertisement(s) included my required contact information

OPTION C: BUSINESS UTILIZATION PLAN (BUP)

- Prior to the bid due date*** -- Submitted a BUP to DGS-PD and received approval
- STD 840 included with bid
- Designated the BUP Option – Checked the third box
- Attached a copy of the BUP Approval letter from DGS-PD

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ANSWERS TO FREQUENTLY ASKED QUESTIONS

The following questions are among the most frequently asked regarding DVBE requirements:

Q: If I am awarded the Agreement, either with partial or full goal attainment documented, am I required to use the subcontractor/supplier proposed in my bid?

A: Yes, unless you have requested and received substitution approval from the State. Written requests should include:

- the person's or firm's NAME to be substituted;
- the substitution reason;
- the reason a non-DVBE subcontractor is proposed, if applicable;
- describe the business to be substituted including its business status as a sole proprietorship, partnership, corporation or other entity; and
- the certification status of the firm, if any.

See California Code of Regulations Section 1896.64(c) and (d) for substitution criteria.

The request and the State's approval or disapproval is not construed as an excuse for noncompliance with any other provision of the law, including but not limited to the Subletting and Subcontracting Fair Practices Act, or any other Agreement requirements relating to substitution of subcontractors. Failure to adhere to at least the DVBE participation proposed by the successful contractor may be cause for contract termination and recovery of damages under the rights and remedies due the State for default section of the contract(s) and any other penalties provided for by statute.

Q: Who notifies the subcontractor when an award is made?

A: Upon award to a prime contractor, the awarding department notifies listed subcontractors of their contract participation. Primes are encouraged to notify their listed subcontractors immediately after an award is made to formalize their business Agreements.

Q: What happens to bids considered non-responsive to the DVBE Participation Program requirements?

A: Non-responsive bids are rejected. Many are rejected because of:

- incomplete documentation,
- documentation not received by bid due date,
- mathematical error related to the percentages, and
- basing goal attainment on workforce composition.

Q: If I am a disabled veteran business enterprise, can I meet the 3 percent contract goal as a single company?

A: Yes.

Q: If my submitted bid meets the contract goal and the State decides to make multiple awards to the bid/contract, could my bid be considered non-responsive?

A: No, the State's decision to make multiple awards will not jeopardize bid compliance.